

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PELHAM 1130, LLC, et al.,

Plaintiffs,

v.

ORDER

KYLE BRAGG,

22-CV-09237 (PMH)

Defendant.

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PHILIP M. HALPERN, United States District Judge:

Plaintiffs, on or about October 11, 2022, commenced a proceeding in the Supreme Court of the State of New York, County of Westchester, against Kyle Bragg, President of the Local 32BJ Service Employees International Union (“Defendant”), by filing a Verified Petition for a Judgment pursuant to N.Y. CPLR § 7511, seeking to vacate an arbitration opinion and award. (Doc. 3, “Not.”; Doc. 3-1). Defendant removed this action from State court on October 31, 2022 pursuant to 28 U.S.C. §§ 1441(a) and 1446. (Not. at 1).

The basis for removal is the alleged federal question presented by § 301(a) of the Labor Management Relations Act (“LMRA”), 29 U.S.C. § 185(a). (*Id.* ¶¶ 12-13). Specifically, Defendant asserts that this Court has jurisdiction over this action because the LMRA provides that “[s]uits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce . . . or between any such labor organization, may be brought in any district court of the United States.” (*Id.*).

Defendant shall file, by 5:00 p.m. on November 8, 2022, a letter via ECF setting forth the basis for this Court’s exercise of subject matter jurisdiction, specifically addressing their assertion that federal question jurisdiction exists, supported by Second Circuit authority extending

jurisdiction under the LMRA to cases brought seeking to vacate arbitration awards. Defendant is directed to serve a copy of this Order on Plaintiffs via e-mail to their counsel.

SO-ORDERED:

Dated: White Plains, New York
November 1, 2022

A handwritten signature in black ink, appearing to read 'G. Halpern', is written over a horizontal line.

Philip M. Halpern
United States District Judge